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LETTER DATED 13 APRIL 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report which was addressed to me on 11 April 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in Security Council resolution 970 (1995) of 12 January 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Operations of the International Conference on the Former
Yugoslavia Mission to the Federal Republic of Yugoslavia
(Serbia and Montenegro)

I. INTRODUCTION

1. This additional report is submitted as indicated in paragraph 36 of the annex to the letter dated 31 March 1995 from the Secretary-General addressed to the President of the Security Council (S/1995/255).

2. It will be recalled that on 4 August 1994 the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska'";

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska' except food, clothing and medicine".

3. In its resolution 970 (1995), adopted on 12 January 1995, the Security Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). Pursuant to paragraph 5 of that resolution, the Secretary-General transmitted to the Council reports from the Co-Chairmen on the state of implementation of the above-mentioned measures on 3 February (S/1995/104), 2 March (S/1995/175) and 31 March (S/1995/255). The report dated 31 March 1995 contained the following certification from the Co-Chairmen:

"In light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, and based on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, and aside from the reported tracking of helicopters crossing the border, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the land border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that during the past 30 days there were no commercial

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transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

4. Security Council resolution 970 (1995) provides that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) of 23 September 1994 shall be suspended for a further period of 100 days from the adoption of resolution 970 (1995). The present report supplements the three previous 30-day reports and discusses developments during the first 10 days of April.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

5. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces continues to be in force.

6. The Mission has received from the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) the following analysis of confiscations along the border with Bosnia and Herzegovina for March 1995:

Petrol	10.4 tons
Diesel	114.7 tons
Motor oil	194 litres
Cigarettes	2.4 tons
Construction materials	3.8 tons
Wood	10 cubic metres
Alcohol	nil
Food	9.9 tons
Textiles/clothing/footwear	490 kg
Motor vehicles	5
Coffee	82 kg
Other goods	22.2 tons

There were 84 customs offence procedures initiated during the month and 72 were finalized. Fines and penalties amounted to 251,400 dinars. The confiscations of diesel fuel included one large consignment of 100 tons in Sector Charlie on 18 March. Apart from alcohol most of the other categories of confiscations show an increase over the previous month. While the number of new offence cases initiated is down from the previous month they are above the average of the previous seven months, and there is a monthly increase in the number of cases finalized as well as in the value of penalties.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

7. As at 10 April 1995, 152 international Mission personnel were on duty with the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. Because of financial difficulties, no new observers have been taken on to replace those who leave. The participating countries have been asked to replace any observers who depart the Mission after 15 April on a one-for-one basis. By the Mission's own calculations, an observer complement below 150 may not be able to provide sufficiently credible information to certify whether the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is in compliance with its decision to close its border with Bosnian Serb-held areas of Bosnia and Herzegovina to all but shipments of humanitarian aid. Depending on the receipt of funding the Mission will determine at the earliest possible date if and when it will request observers above the 150 minimum.

8. Around the end of March an unusually heavy snowfall was experienced in the mountainous regions of the area of operations. The snow caused roadblocks and multiple avalanches, thus impeding most mobile patrols and preventing the relief of teams at several border crossing-points. The team from the Sula border crossing-point was withdrawn on 30 March at 1430 because of the blizzard. Sula was remanned again on 31 March at 1530. The observers at the Sastavci border crossing-point were stranded for 102 hours before they were relieved on 2 April. From 31 March to late on 1 April it was not possible to relieve teams at Scepan Polje and Krstac.

IV. FREEDOM OF MOVEMENT OF THE MISSION

9. The Mission continues to enjoy full freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro).

10. On 6 April, four kilometres north of Uvac near a pedestrian bridge over the river ford (Sector Bravo), a mobile patrol, led by the Head of Sector, received incoming rifle fire (about 10 rounds went into the water some 20 metres below the vehicle and 5 to 6 rounds impacted 5-6 metres above the car). The gunfire came from a Bosnian civilian, who is living on the other side of the bridge. On the Federal Republic of Yugoslavia (Serbia and Montenegro) side there were three policemen, one customs official and two Yugoslav Army soldiers on the spot, but they did not react in any way. The patrol had to withdraw from the scene and the next day the Head of Sector submitted a strong protest to the local authorities (Yugoslav Army, militia). They regretted the incident very much and apologized for their personnel's reaction. They assured the Head of Sector that a Yugoslav Army liaison officer will always be present with Mission patrols in this area to look after their security. On the same day the Mission Coordinator called the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro) who expressed his deep concern and promised to take necessary measures immediately to defuse the situation. Nevertheless, the Mission

Coordinator instructed Sector Bravo not to approach the place until security was fully restored.

11. On 8 April, the Mission teams working in Belgrade port (Sector Belgrade) were subjected to threats from angry drivers. Security was inadequate and they had to withdraw to the hotel with a police escort.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

12. Cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good.

13. With reference to the Mission's previous monthly reports it should be noted that:

(a) Violations cited in those reports are in most cases isolated exceptions, and need to be read in the context of overall satisfactory compliance by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). Swift disciplinary measures taken by the authorities against deficient police or customs officials suggest that the violations are errors (wilful or accidental) on the part of individual officers acting against government policy;

(b) Smuggling attempts can be expected along any frontier which has restricted passage. The authorities have reacted quickly and have taken action against individuals involved in smuggling attempts. The Mission has no evidence to suggest that unauthorized goods cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina in any appreciable quantity;

(c) It can be expected that locals in isolated areas may tamper with border barricades which cause them inconvenience. They may do it for freedom of movement or for purposes of smuggling but the authorities react quickly to rebuild, restore or repair the barricades. In most cases these uncontrolled border crossings are in very remote locations where the difficult terrain would make truck crossings very difficult or virtually impossible.

14. Since agreeing to a new Memorandum of Understanding on Yugoslav Red Cross consignments, inspection facilities for their loads are now more or less in line with the other international aid agencies, making it even more difficult to conceal any significant quantity of contraband. It is worth noting as well that the Customs authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) regularly receive inquiries and requests mainly about definitions of humanitarian aid goods allowed to cross the border. Normally the authorities will deal with these matters themselves, but in case of doubt will consult the Mission. During the period from 1 to 31 March the Customs received 63 requests and rejected all of them. They consulted the Mission on another 15 cases of which 10 were approved and 5 were disallowed. The Mission Coordinator has stressed that the Mission exercises the right to refuse to seal any vehicle when its monitors are not satisfied with the cargo or the searching procedure.

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VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

15. The operating principle of the Mission is to base its reporting and evaluations on its own observations and on information that it has verified. The Mission Coordinator has maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate.

16. On 2 April, the Mission received information from an unknown source that the Bosnian Serb Army had acquired a substantial resupply of ammunition or other war matériel across the border, carried in civilian trucks which normally carry humanitarian aid. It was alleged that about 30 humanitarian aid trucks crossed the border at border crossing-point Sremska Raca (Sector Belgrade) on 30 March and 46 trucks on 31 March, all without proper checks. It was further alleged that this information was corroborated from independent sources. The Mission has checked this matter thoroughly and can confirm that, because of the inspection and loading procedures in place with the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as from standard customs inspections of trucks which arrive at Belgrade port already loaded, it is virtually impossible to conceal any significant quantity of ammunition or other war matériel in their consignments. The Mission has also carefully reviewed procedures regarding Yugoslav Red Cross consignments on the two days in question and has questioned the monitors who were working at Belgrade port and Novi Sad (two principal points for loading, inspecting and sealing). It was confirmed that they had been present during all customs inspections and that the Customs had diligently searched and inspected all the trucks either by using a probe (feeler) or by moving some of the cargo at random.

17. In this regard, it may be noted that in the whole history of the Mission there have been no discoveries of weapons, ammunition or anything similar, apart from one instance at the end of February (Sector Charlie) when one man was apprehended by the Federal Republic of Yugoslavia (Serbia and Montenegro) Customs while attempting to cross the border with a gun, one hand grenade and some ammunition.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

18. On 2 April, a mobile patrol observed a number of boats on the Bosnian side of the Drina River near Culine, 10 km south of Mali Zvornik (Sector Alpha). A special militia patrol was notified. Close monitoring of this site was continued, and on 5 April another mobile patrol, taking a high ground observation post, was able to observe on the Bosnian side across Culine what appeared to be a Bosnian Serb fuel supply depot, including 1 military fuel tanker, 4 military trucks, 3 rubber boats (approximate capacity 12 pax), 2 barges, 2 big metal reservoirs and a number of metal containers on the island in the middle of the river. On 6 April, another mobile patrol confirmed the finding and notified the local authorities. Since then, a special militia team of police and army has established a 24-hour surveillance on the place. The Mission mobile patrols continue to monitor this site closely.

19. On 2 April, a Sula border crossing-point team (Sector Bravo) reported that a truck with one uniformed policeman of the Federal Republic of Yugoslavia (Serbia and Montenegro), previously rejected, was allowed to cross to the Bosnian side of the border. The local police commander, presented with a protest, confirmed that it was a mistake by his personnel.

20. On 2 April, at Strpci Station (Sector Bajina Basta) a Mission team encountered an individual with a submachine gun who presented himself as a driver for a military commanding officer from the Bosnian Serb side and warned team members not to use binoculars or cameras trained at the Bosnian side, saying: "We do not want to shoot at you". The authorities were notified about this individual, along with the fact that the team had not used any cameras.

21. On 3 April, at Drzavna Ada, 3 km south of Badovinci (Sector Alpha) a large boat was spotted on the Bosnian side of the river Drina by a mobile patrol, as well as a Yugoslav Army ambush on the Federal Republic of Yugoslavia (Serbia and Montenegro) side waiting in case it came across.

22. On 5 April, the Head of Sector Bravo together with a local police chief and a Yugoslav Army liaison officer visited the FAP truck factory near Priboj and witnessed truck frames in production. They found no evidence of military production.

23. On 5 April, a mobile patrol discovered a new possible point for potential smuggling at a disused railroad line across the boundary in the vicinity of Vracenovici (Sector Charlie). Two empty trucks were observed there on rendezvous with another car, entering the Bosnian side and heading to Bileca. The police of the Federal Republic of Yugoslavia (Serbia and Montenegro) were notified, as was the Yugoslav Army liaison officer. Discussions about the modalities of coverage of this point are still in progress.

24. On 7 April, a mobile patrol near Jamena (Sector Belgrade) observed three new pontoons tied together plus one tug boat on the Bosnian side. Three military personnel were seen as well, busily servicing the tug boat. Nevertheless, there were no traces of activity on the Federal Republic of Yugoslavia (Serbia and Montenegro) side: the seals on the barriers were intact. The police and Yugoslav Army seemed unaware of what the Bosnian Serb side was doing.

25. On 7 April, at Badovinci (Sector Alpha) it was reported that under the bridge the police of the Federal Republic of Yugoslavia (Serbia and Montenegro) captured nine men and three women on bicycles who were trying to smuggle to Bosnia and Herzegovina approximately 1.2 tons of fuel, which was confiscated on the spot.

26. On 8 April, near Citluc (Sector Alpha) the Commanding Officer of a special militia team notified a mobile patrol that there was a potential smuggling site on the Bosnian side where a large barge capable of carrying a loaded truck had been spotted. The place is being closely monitored by mobile patrols.

27. On 8 April, from Vilusi (Sector Charlie) the observers reported that they had observed one truck with approximately 50 to 60 crates of empty beer bottles crossing into the Federal Republic of Yugoslavia (Serbia and Montenegro) at night without being checked. In two hours the same truck, already with full bottles, crossed back into Bosnia and Herzegovina without being checked again. On 9 April, the matter was reported to the local authorities for appropriate action.

28. During the period from 2 to 7 April, United Nations airfield monitors working at radar screens at Surcin Airport near Belgrade observed an additional 25 unexplained slow-moving radar contacts from Bosnia and Herzegovina into the Federal Republic of Yugoslavia (Serbia and Montenegro). As in March, none was observed by Mission personnel from the ground even though additional mobile patrols were mounted to search the skies during likely hours of crossing in the most travelled reaches of the Drina (between Mali Zvornik and Ljubovija). As in the past, there were no reports of likely helicopter flights travelling from the Federal Republic of Yugoslavia (Serbia and Montenegro) back into Bosnia and Herzegovina. When presented with this information on 10 April, the Customs Director of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mihalj Kertes, confirmed only the crossing, and return, of a helicopter from Bosnia and Herzegovina into the Federal Republic of Yugoslavia (Serbia and Montenegro) on 5 April and one on 6 April, but denied the existence of the other 23 possible helicopter flights.

29. At a later meeting, on 10 April, the Mission Coordinator, together with his Senior Political Adviser and Press Officer, met with the Director of Customs, the Deputy Director of Customs, the Assistant to the Chief of the Yugoslav Army General Staff for Air Force, the Assistant to the Chief of the Yugoslav Army General Staff for Radars and Electronic Monitoring Systems, the Yugoslav Army Head of Regional Flight Control and the Deputy Director of Civilian Air-traffic Control of the Federal Republic of Yugoslavia (Serbia and Montenegro). At the meeting the authorities categorically denied any involvement of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the alleged air crossings. In view of the countervailing claims by senior officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) as to the veracity of UNPROFOR technical data, it was agreed that experts should be asked to review the radar tapes for the period from 2 to 7 April. Since the Mission does not have the necessary technical expertise to accomplish this, and because there is sufficient reason to defer judgement on possible violations of the air border, the Mission Coordinator concurred, and will convey this request to the United Nations Peace Forces headquarters.

30. Some 80 radar contacts have been reported by UNPROFOR to the Mission since 19 October 1994. Each track has been plotted to show its point of detection, the point of border crossing and the place where the radar track faded. Analysis of the positions and timing of these events shows no apparent pattern. Despite the recent extraordinary efforts by Mission personnel to confirm visually these possible violations of the air border, not one helicopter has been sighted from the ground. None the less, the characteristics of these radar contacts are, according to United Nations military observers, indicative of helicopters.

VIII. CERTIFICATION

31. In the light of the foregoing developments based on the Mission's on-site observation, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of NATO or national technical means, and aside from the reported tracking of possible helicopters crossing the border, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the land border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. The Co-Chairmen also conclude that during the period covered by this report there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.
